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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 GOLDSBY, JASON; MADRIGAL, BONNIE;
REDMOND, RUDY; TUALAU, KAILI

12 Defendant.

CASE NO.: 2:16-cr-00294-JCM-VCF

**MOTION FOR ORDER PERMITTING
GROUP JAIL VISITS**

13 **Certificate: This Motion is timely.**

14 COMES NOW, Defendant, JASON GOLDSBY, by and through his attorney, JOSHUA
15 TOMSHECK, ESQ., Defendant BONNIE MADRIGAL, by and through her attorney, JESS
16 MARCHESE, ESQ., RUDY REDMOND, by and through his attorney, LUCAS GAFFNEY, and
17 Defendant KAILI TUALAU, by and through his attorney, RICHARD E. TANASI, ESQ., and
18 hereby file this Motion for Order Permitting Group Jail Visits. This Motion is based upon the
19 following Memorandum of Points and Authorities and the pleadings and papers on file herein.

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MEMORANDUM AND POINTS OF AUTHORITIES

There are three male and one female defendants in this case. In the past, defense counsel has had to obtain a Court Order for group jail visits involving male and female defendants. [2:18-cr-00001-MMD-CWH, Doc. 159]. The Motion request an Order permitting group jail visits in this case.

Generally, the Sixth Amendment provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence." U.S. Const. Amend. VI. *Frazer v. United States*, 18 F.3d 778, 781 (9th Cir. 1994). "This right has come to be regarded as a sine qua non of our criminal justice system. In 1938, the Supreme Court said: The Assistance of Counsel . . . is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty. . . . The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not "still be done." *Id.*

Here, as trial nears, the joint-defense meeting with everyone in the room and on the same page at the same time is critical to effective preparation for a joint strategy, discussion and review of discovery, and evaluating possible pre-trial resolution options. A similar accommodation was made by the detention center in *U.S. v. Bundy*, et al, where the group was much larger. The defendants in this case seek the same ability to meet. The undersigned anticipates the detention center will cite to their policy that the defendants are not the same sex. However, the gender of the defendants should not overcome the Sixth Amendment safeguards to effective assistance of counsel.

Therefore, based upon the foregoing, this Motion requests this Honorable Court issue another Order directing the jail to allow *all four co-defendants* in this case to meet together at the

1 same time. Therefore, based upon the foregoing, the defendants respectfully request this
2 Honorable Court issue the attached Order. [Ex. A].

3 DATED this 18th day of APRIL, 2019.

4
5 /s/

/s/

6 LUCAS GAFFNEY, ESQ.
7 Counsel for Deft. REDMOND

6 RICHARD TANASI, ESQ.
7 Counsel for Deft. TUALAU

8 /s/

/s/

9 JOSHUA TOMSECK, ESQ.
10 Counsel for Deft. GOLDSBY

9 JESS MARCHESE, ESQ.
10 Counsel for Deft. MADRIGAL

11 **CERTIFICATE OF ELECTRONIC SERVICE**

12 The on the 18th day of APRIL, 2019, she served an electronic copy of the above and
13 foregoing MOTION, by electronic service (ECF) to the person below:

14
15 Assistant United States Attorney
16 333 Las Vegas, Blvd. So., 5th Floor
17 Las Vegas, NV 89101

18 /s/ *Richard Tanasi*

19 An employee at TANASI LAW OFFICE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GOLDSBY, JASON; MADRIGAL, BONNIE;
REDMOND, RUDY; TUALAU, KAILI

Defendant.

CASE NO.: 2:16-cr-00294-JCM-VCF

**ORDER PERMITTING
GROUP JAIL VISITS**

Having reviewed Defendants' MOTION FOR ORDER PERMITTING GROUP JAIL VISITS, accordingly,

IT IS ORDERED that Defendants' Motion [Doc. 177], is hereby **GRANTED**. **IT IS FURTHER ORDERED** that the Nevada Southern Detention Center shall allow **Defendants JASON GOLDSBY, BONNIE MADRIGAL, RUDY REDMOND, and KAILI TUALAU**, to meet together with their attorneys and/or members of their defense team, including but not limited to, experts and investigators. The meetings shall take place ~~between~~ normal attorney-visitation hours.

IT IS SO ORDERED.

DATED:April 22, 2019

Cam Ferenbach